

## Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

### ***Allowable Subject Matter***

The indicated allowability of claims 5-10, 12-14, 15, 19 and 24 is noted with appreciation.

### ***Claim Rejections - 35 U.S.C. § 112***

The Examiner considers claim 12 to be indefinite because the specification lacks support for the phrase "any spacing". As previously pointed out, the "any spacing" language is intended to cover those situations where the body attachment locations are at the same location or are spaced apart by a spacing. Accordingly, the language at issue is intended to mean the sum of the lengths of the tethers and the length of the spacing (if any) between the body attachment locations. The specification has been amended to clarify this meaning of the "any spacing" language.

Regarding the amendments to claim 12, they are not being made in response to the rejection but instead are made to avoid any issue regarding antecedent basis for terms used therein.

### ***Claim Rejections - 35 U.S.C. § 103***

Exception is taken to the prior art rejections advanced by the Examiner. Nonetheless, in order to advance this application to issue, many of the rejected claims have been cancelled or depended from a claim indicated to be allowable. In addition, claims 22 and 25 have been amended to recite features more clearly to define patentably over the applied references. In view of the claims already found to be allowable by the Examiner, it is believed the Examiner will also find amended claims 22 and 25 to be allowable as well.

More particularly, claim 22 now recites a toy comprising, *inter alia*, two implements each implement having a handle end portion and a non-handle end portion; and two tethers respectively connecting the implements to the main unit. Each tether has one end connected to the implement at a main unit attachment location, an opposite end connected to the implement at an implement attachment location, and an intermediate portion extending loosely between the ends of the tether, the implement attachment location being fixed in relation to and spaced inwardly from a non-handle end of the implement by a distance about equal the distance between the main unit attachment location and the center of the play area of the main unit. In addition, the combined length of the tethers and any spacing between the main unit attachment

locations is no greater than 14 inches. A toy as recited in amended claim 22 is neither disclosed nor suggested by the applied references.

Claim 25 now recites a toy comprising, *inter alia*, two implements manipulable by a child in relation to the play area of the main unit, each implement having a handle end portion and a non-handle end portion, and the two tethers respectively connecting the implements to the main unit. Each tether has one end connected to the main unit at a main unit attachment location, an opposite end connected to the respective implement at an implement attachment location from which the tether extends away from the respective implement, and an intermediate portion extending loosely between the ends of the implement. The implement attachment location is located between the handle end portion and non-handle end portion of the respective implement. Additionally, the respective main unit attachment locations are located on the same side of the main unit, and the combined length of the tethers and any spacing between the body attachment locations is no greater than 14 inches. A toy as recited in amended claim 25 is neither disclosed nor suggested by the applied references.

### **Conclusion**

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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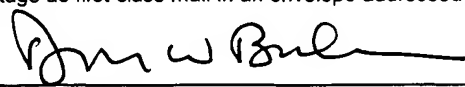
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### **CERTIFICATE OF MAILING (37 CFR 1.8a)**

I hereby certify that this paper (along with any paper or thing referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: June 30, 2006

  
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